

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC,  
*et al.*,<sup>1</sup>

Debtors.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

**AMENDED<sup>2</sup> NOTICE OF AGENDA FOR HEARING SCHEDULED  
FOR MAY 25, 2023 AT 9:30 A.M. (PREVAILING EASTERN TIME), BEFORE THE  
HONORABLE KAREN B. OWENS AT THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE, LOCATED AT 824 NORTH MARKET  
STREET, 6<sup>TH</sup> FLOOR, COURTROOM NO. 3, WILMINGTON, DELAWARE 19801**

This hearing will be conducted in person. All parties, including witnesses, are expected to attend in person unless permitted to appear via Zoom. Participation at the in-person court proceeding using Zoom is allowed only in the following circumstances: (i) counsel for a party or a pro se litigant files a responsive pleading and intends to make only a limited argument; (ii) a party or a representative of a party is interested in observing the hearing; (iii) a party is proceeding in a claims allowance dispute on a pro se basis; (iv) an individual has a good faith health-related reason to participate remotely and has obtained permission from chambers to do so; or (v) other extenuating circumstances that warrant remote participation as may be determined by the Court.<sup>3</sup>

**If appearance via Zoom is permitted, please use the following link to register for this hearing to appear via Zoom. All individuals participating by video must register at least two (2) hours prior to the hearing. After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing.**

<https://debuscourts.zoomgov.com/meeting/register/vJIsceCorTssG2d3R-EqazSH5k1jCO940b8>

**Topic: Akorn Holding Company LLC *et al* – Case No. 23-10253 (KBO)**

**When: May 25, 2023 at 9:30 a.m. (Prevailing Eastern Time)**

**You must use your full name when registering and logging into Zoom or you will  
not be granted access to the hearing.  
CourtCall will NOT be used for this hearing.**

<sup>1</sup> The Debtors in these chapter 7 cases, along with the last four digits of their federal tax identification numbers, and cases numbers are Akorn Holding Company LLC (9190), Case No. 23-10253 (KBO); Akorn Intermediate Company LLC (6123), Case No. 23-10254 (KBO); and Akorn Operating Company LLC (6184), Case No. 23-10255. The Debtors' headquarters is located at 5605 CenterPoint Court, Gurnee, IL 60031.

<sup>2</sup> Amended Notice of Agenda items appear in **bold** text.

<sup>3</sup> See Chambers Procedures of the Honorable Karen B. Owens dated October 3, 2022.

<https://www.deb.uscourts.gov/sites/default/files/judge/Judge%20Karen%20B.%20Owens/General%20Chambers%20Procedures%20%28dated%20October%203%2C%202022%29.pdf>

**UNCONTESTED MATTERS WITH CERTIFICATION OF NO OBJECTION:**

1. Debtors' Application for Entry of an Order (I) Authorizing the Retention and Employment of Kurtzman Carson Consultants as Administrative Advisor to the Debtors, Effective as of the Petition Date; and (II) Granting Related Relief  
[Filed 4/27/2023; Docket No. [133](#)]

Related Documents: (a) Certification of Counsel Regarding Proposed Order Authorizing the Retention and Employment of Kurtzman Carson Consultants LLC as Administrative Advisor, Effective as of the Petition Date  
[Filed 5/15/2023; Docket No. [174](#)]

(b) Entered Order Authorizing the Retention and Employment of Kurtzman Carson Consultants LLC as Administrative Advisor, Effective as of the Petition Date  
[Filed 5/16/2023; Docket No. [187](#)]

Objection Deadline: May 11, 2023 at 4:00 p.m. ET

Responses Received: None

Status: This matter is concluded. Order has been entered by the Court.

2. Trustee's Motion for (I) Authority to Sell Certain Equipment at Cranbury Property Free and Clear of Interests and (II) Related Relief  
[Filed 4/24/2023; Docket No. [120](#)]

Related Documents: (a) Notice of Hearing Regarding Trustee's Motion for (I) Authority to Sell Certain Equipment at Cranbury Property Free and Clear of Interests and (II) Related Relief  
[Filed 4/26/2023; Docket No. [125](#)]

(b) Certificate of No Objection  
[Filed 5/23/2023; Docket No. [222](#)]

Objection Deadline: May 18, 2023 at 4:00 p.m. ET

Responses Received: None

Status: This matter is uncontested. Trustee requests entry of the Proposed Order filed with the Motion.

3. Trustee's Motion for Entry of Order (I) Rejecting Lease for Cranbury Property, (II) Abandoning Remaining Personal Property, and (III) Granting Related Relief  
[Filed 4/28/2023; Docket No. [138](#)]

Related Documents: (a) Certificate of No Objection  
[Filed 5/23/2023; Docket No. [223](#)]

Objection Deadline: May 18, 2023 at 4:00 p.m. ET

Responses Received: None

Status: This matter is uncontested. Trustee requests entry of the Proposed Order filed with the Motion.

4. Trustee's Application to Employ Arnold & Porter Kaye Scholer LLP as Special Counsel to the Trustee and for Related Relief  
[Filed 5/3/2023; Docket No. [150](#)]

Related Documents: None

Objection Deadline: May 18, 2023 at 4:00 p.m. ET  
Extension granted to the Office of the United States Trustee ("OUST")

Responses Received: Informal comments received from the OUST

Status: The Trustee and the OUST are attempting to resolve the OUST comments prior to the hearing. In the event a resolution is not reached prior to the hearing then this matter will be adjourned and the parties will request assignment of another hearing date.

**CONTESTED MATTERS GOING FORWARD:**

5. Trustee's Motion for Approval of Sharing Agreement and Carve-Out with Lenders, and Related Relief  
[Filed 5/1/2023; Docket No. [147](#)]

Related Documents:

Objection Deadline: May 18, 2023 at 4:00 p.m. ET  
Extension granted to the United States Department of Justice

- Responses Received:
- (a) Veronica Development Associates, LLC's Limited Objection to Trustee's Motion for Approval of Sharing Agreement and Carveout With Lenders (the "Veronica Development Objection")  
[Filed 5/17/2023; Docket No. [198](#)]
  - (b) Limited Objection and Reservation of Rights of Ethypharm S.A.S. to Trustee's Motion for Approval of Sharing Agreement and Carve-Out with Lenders, and Related Relief (the "Ethypharm Objection")  
[Filed 5/18/2023; Docket No. [199](#)]
  - (c) Limited Objection of E.L. Pruitt Co. to Trustee's Motion for Approval of Sharing Agreement and Carve-Out with Lenders and Related Relief (the "E.L. Pruitt Objection")  
[Filed 5/18/2023; Docket No. [201](#)]
  - (d) Objection of Chicago Infill Industrial Properties LP and Westmount Realty Capital, LLC to Trustee's Motion for Approval of Sharing Agreement and Carve-Out with Lenders (the "Chicago Infill Objection")  
[Filed 5/18/2023; Docket No. [203](#)]
  - (e) Informal comments/objection received from the United States Department of Justice representing federal agencies including HHS, CMS, VA, and DHA (the "Government Comments")

- Additional Filings:**
- (f) **Trustee's Declaration in Support of Trustee's Motion for Approval of Sharing Agreement and Carve-Out with Lenders, and Related Relief**  
[Filed 5/1/2023; Docket No. [148](#)]
  - (g) **Revised Proposed Order Granting Trustee's Motion for Approval of Sharing Agreement and Carve-Out with Lenders, and Related Relief**  
[Filed 5/25/2023; Docket No. [236](#)]

**Status:** This matter is going forward. The Trustee has resolved the Ethypharm Objection, the Veronica Development Objection, the E.L. Pruitt Objection and the Government Comments. The Trustee will provide a status of negotiations to the Court to resolve the Chicago Infill Objection.

Dated: May 25, 2023  
Wilmington, Delaware

COZEN O'CONNOR

By: /s/ John T. Carroll, III  
John T. Carroll, III (DE No. 4060)  
1201 N. Market Street  
Suite 1001  
Wilmington, DE 19801  
(302) 295-2028 Phone  
(302) 295-2013 Fax No.  
[jcarroll@cozen.com](mailto:jcarroll@cozen.com)

*Counsel to George L. Miller,  
Chapter 7 Trustee*